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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 DARREN HENDERSON,) Case No. CV 11-2250 AHS(JC)
12 Petitioner,)
13 v.) ORDER ADOPTING FINDINGS,
14 WALKER (WARDEN), et al.,) CONCLUSIONS, AND
15 Respondents.) RECOMMENDATIONS OF UNITED
16 STATES MAGISTRATE JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of
18 Habeas Corpus by a Person in State Custody (the “Petition”), all of the records
19 herein, and the attached Report and Recommendation of United States Magistrate
20 Judge. The Court approves and adopts the United States Magistrate Judge’s
21 Report and Recommendation.

22 IT IS ORDERED that the Petition is denied and this action is dismissed
23 without prejudice because it is successive, petitioner did not obtain the requisite
24 authorization from the Court of Appeals to file a successive petition, and this Court
25 lacks jurisdiction to consider it.¹

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27 ¹To the extent it is appropriate to construe the Petition as a motion to amend the Petition
28 for Writ of Habeas Corpus (“First Federal Petition”) in the case entitled Darren Henderson v. J.
Dovey, et al., No. CV 07-671 AHS(JC), the Court denies the motion to amend because
amendment of the First Federal Petition to add the claims contained in the Petition would be

(continued...)

1 IT IS FURTHER ORDERED that the Clerk of the Court shall refer the
2 Petition to the United States Court of Appeals for the Ninth Circuit (the “Ninth
3 Circuit”) pursuant to Ninth Circuit Rule 22-3(a).

4 IT IS FURTHER ORDERED that the Clerk shall serve copies of this Order,
5 the United States Magistrate Judge’s Report and Recommendation, and the
6 Judgment herein on petitioner and on any counsel for respondents.

7 LET JUDGMENT BE ENTERED ACCORDINGLY.

8 DATED: May 5, 2011

9 ALICEMARIE H. STOTLER

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11 HONORABLE ALICEMARIE H. STOTLER
12 SENIOR UNITED STATES DISTRICT JUDGE
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27 ¹(...continued)
28 futile in light of the untimeliness of the claims contained in the Petition and the fact that such
claims do not relate back to the filing date of the First Federal Petition.